

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION**

S.A. AND L.A., BY THEIR NEXT FRIEND ANGI ALLEN; H.B., BY HER NEXT FRIEND JULIE BEANER; Ad.S. AND Al.S., BY THEIR NEXT FRIENDS BRYAN SCHAVE AND BRANDI SCHAVE; S.D., BY HER NEXT FRIENDS JENNIFER DEGROOT AND PHILIP DEGROOT; A.L., BY HER NEXT FRIEND NATHAN LEUNING; M.B., BY HER NEXT FRIEND JOSEPH BILDERBACK; M.D., BY HER NEXT FRIEND DAVID DENSON; M.W., BY HER NEXT FRIENDS EUGENE WARE AND MARSHA WARE; KA, BY HER NEXT FRIEND CATHY ANDERSON, and R.T., BY HER NEXT FRIENDS LUKE AND BOBBIE TIBBETTS,

Plaintiffs,

vs.

SIoux FALLS SCHOOL DISTRICT 49-5, JANE STAVEM, in her official capacity as Superintendent, and CASEY MEILE, in his official capacity as Coordinator of Athletics for the Sioux Falls School District No. 49-5,

Defendants.

Case No. 4:23-cv-04139

NOTICE OF APPEAL

Notice is hereby given that Defendant Sioux Falls School District 49-5 (the “District”) appeals to the United States Court of Appeals for the Eighth Circuit from the Memorandum Opinion and Order Granting Preliminary Injunction entered on October 13, 2023, by the Honorable Charles B. Kornmann, (Doc. 26), which temporarily enjoined the District from (a) eliminating the Sioux Falls School District’s gymnastics program; (b) selling the gymnastics

program's equipment; (c) reducing support for the gymnastics program below the prior 2022-2023 budget; and (d) restricting or denying the gymnastics program access to facilities, coaching, training, or competitive opportunities, all without requiring security from Plaintiffs.

Dated at Sioux Falls, South Dakota, this 27th day of October, 2023.

DAVENPORT, EVANS, HURWITZ &
SMITH, L.L.P.

/s/ Reece M. Almond

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